

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEONAL MARIN TORRES,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

CASE NO. C06-830-RSM-JPD

ORDER GRANTING § 2254 PETITION

The Court, having reviewed petitioner's amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's answer, petitioner's response, respondent's reply, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's amended petition for a writ of habeas corpus (Dkt. No. 22) is GRANTED.
- (3) Respondent is directed to release petitioner within 30 days from the date of this Order, unless the State of Washington commences proceedings to retry him.
- (4) The Clerk is directed to send a copy of this Order to all counsel of record and to Judge Donohue.

DATED this 17th day of January, 2008.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE